

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Michael Krichevsky,

Debtor.

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Case No.: 8-22-71045-ast

Chapter 11

ORDER FOR DISMISSAL WITH PREJUDICE

WHEREAS, on December 8, 2021, Select Portfolio Servicing, Inc. as servicer for U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank NA, on behalf of the holders of the WaMu Mortgage Pass-Through Certificates, Series 2005-AR15 (“SPS”) filed a Motion to Dismiss, which was amended on December 16, 2021 (the “SPS MTD”) [Dkt. Nos. 249, 251] seeking an order dismissing this bankruptcy case pursuant to Section 1112(b) of the Bankruptcy Code; and

WHEREAS, on March 8, 2022 Wells Fargo Bank, N.A. (“Wells Fargo”), as Servicing Agent for U.S. Bank National Association, as Trustee for Banc of America Funding Corporation Mortgage Pass-Through Certificates, Series 2006-F and the Bank Defendants (as defined therein) filed their motion to join the SPS MTD (the “WF MTD”) [Dkt. No. 257] seeking an order dismissing this case pursuant to Section 1112(b) of the Bankruptcy Code; and

WHEREAS, on June 30, 2022, the United States Trustee (the “UST”) filed a Motion to Convert or Dismiss (the “UST MTD”) [Dkt. No. 295] seeking an order converting the instant bankruptcy to Chapter 11 or in the alternative dismissing this case pursuant to Section 1112(b) of the Bankruptcy Code; and

WHEREAS, on July 28, 2022, the Court held a hearing on, among other things, the SPS MTD, the WF MTD and the UST MTD (the “Motions”), at which the Court granted the Motions

and dismissed this bankruptcy case but reserved ruling on whether this case should be dismissed with prejudice; and

WHEREAS, an order dismissing this case was entered on August 8, 2022, which expressly reserved the issue of whether this case should be dismissed with prejudice for up to two years and set a further hearing on that issue for August 30, 2022 (the “Dismissal Order”) [Dkt. No. 334]; and

WHEREAS, the UST, SPS, Wells Fargo and the Bank Defendants appeared through their respective counsel of record on August 30, but Michael Krichevsky (the “Debtor”) failed to appear at the August 30, 2022 hearing despite having received due and adequate notice; and


WHEREAS, for the reasons stated on the record at the conclusion of the August 30, 2022 hearing, the Court determined that cause exists to dismiss this case with prejudice to refiling under any chapter for two (2) years pursuant to Sections 349 and 105.

NOW THEREFORE, it is hereby

ORDERED that this case is hereby dismissed with prejudice to refiling under any chapter of the Bankruptcy Code before any Court of the United States for a period of two (2) years from the date of entry of this Order.

Dated: September 8, 2022
Central Islip, New York




Alan S. Trust
Chief United States Bankruptcy Judge